

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey B. Parham

Examiner: Doan, Duyen My

Serial No.: 09/995,121

Group Art Unit: 2143

Filed: 11/27/2001

Docket: 14917.0206US01

Confirmation No.: 9771

Notice of Allow. Date: 02/02/06

Due Date: 05/02/06

Title: NON-INVASIVE LATENCY MONITORING IN A STORE-AND-FORWARD REPLICATION SYSTEM

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 727944161 US

Date of Deposit: February 17, 2006

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By:   
Name: Jennifer Weck

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**27488**  
PATENT TRADEMARK OFFICE

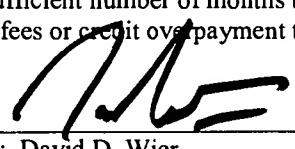
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Issue Fee Transmittal Part B (PTOL - 85)
- ☒ Check(s) in the amount of \$1700 for issue fee (\$1400) and publication fee (\$300)
- ☒ Other: (1) Statement on Substance of Interview; and (2) Comments on Statement of Reasons for Allowance
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: David D. Wier  
Reg. No.: 48,229  
DDWier/jw

S/N 09/995,121



PATENT

Date of Notice of Allowance: 02/02/2006

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By:

Name: Jennifer Weck

A handwritten signature in black ink, appearing to read "Jennifer Weck", written over a horizontal line.

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants acknowledge the allowance of claims 1, and 4-9 in the subject application by the Examiner with appreciation. The Applicants point out that the reasons set forth by the Examiner are not the only reasons that the claims 1, and 4-9 are allowable. Further reasons for allowance of the claims beyond those enumerated by the examiner are described and set forth in the Applicant's specification. As the Examiner's reasons for allowance are not exhaustive, such reasons for allowance do not establish an estoppel against Applicants seeking and obtaining allowance of additional, broader claims in a continuation application, which Applicants reserve the right to file.



Respectfully submitted,

A handwritten signature in black ink, appearing to be "D. Wier", written over a horizontal line.

David D. Wier, Reg. No. 48,229

Merchant & Gould P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903

(303) 357-1647

S/N 09/995,121



PATENT

**Date of Notice of Allowance:** 02/02/2006

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By: 

Name: Jen Weck

**Statement on Substance of Interview**

Mail Stop: Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313

Dear Sir:

This Statement is being submitted as a follow-up communication to an interview that occurred on January 27, 2006 between Examiner Duyen M. Doan and the undersigned in the above-identified patent application. Furthermore, this Statement is being submitted in reply to an Interview Summary mailed in conjunction with a Notice of Allowability on February 2, 2006 in which Examiner Doan summarizes the substance of the January 27, 2006 interview.

### Remarks

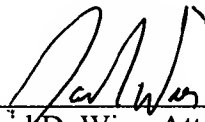
The aforementioned interview took place at the request of Examiner Duyen M. Doan to discuss the allowability of dependent claims 2-3. In particular, Examiner Doan recommended amending independent claims 1 and 9 to include the limitations of claims 2 and 3 in order to further the present application from final rejection to allowance. Additionally, Examiner Doan recommended amending the phrase "computer readable medium" in claim 9 to "computer storage medium" in order to avoid a potential 35 U.S.C. §101 rejection, which has not yet been raised during prosecution. On behalf of the Applicant, the undersigned agreed to these amendments without prejudice, thereby not acquiescing to the outstanding final rejections and the potential §101 rejection and reserving the option to re-file independent claims 1 and 9 in a continuation.

As this Statement is being filed prior to March 2, 2006, no fees are believed due under 37 C.F.R. §1.136(a) nor or any other fees believed due (in addition to the issue and publication fees due pursuant to the Notice of Allowance). However, if this understanding is in error, please charge any required fees to Deposit Account No. 13-2725.

Respectfully submitted,

Dated: February 17, 2006



  
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David D. Wier, Attorney Reg. No. 48,229  
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